

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN LOUIS CROSS,

Defendant.

CR 14-47-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on September 22, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

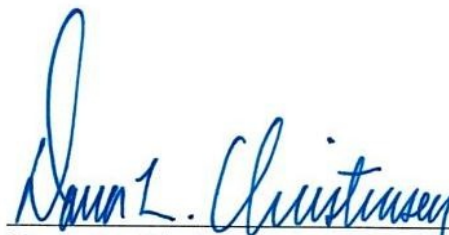
Judge Lynch recommended this Court accept John Louis Cross’s guilty plea after Cross appeared before him pursuant to Federal Rule of Criminal Procedure

11, and entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 (Count I), as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count II and the Forfeiture Allegation in the Superseding Indictment, as well as the entire original Indictment in this case.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 40), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that John Louis Cross's motion to change plea (Doc. 33) is GRANTED and John Louis Cross is adjudged guilty of the offense charged in Count I of the Superseding Indictment.

DATED this 7th day of October, 2015.



Dana L. Christensen, Chief District Judge
United States District Court